

United States District Court
Eastern District of California

Steven Williams, Sr.,

Plaintiff,

vs.

Sgt. Nuchols, et al.,

Defendants.

No. Civ. S 04-1167 LKK PAN P

Order

-oOo-

Plaintiff is a state prisoner without counsel seeking to commence a civil rights action. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff requests leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 and has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Plaintiff is required to pay the statutory filing fee of \$150 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). Plaintiff is obligated for

1 monthly payments of 20 percent of the preceding month's income
2 credited to plaintiff's prison trust account. These payments
3 will be forwarded by the appropriate agency to the Clerk of the
4 Court each time the amount in plaintiff's account exceeds \$10,
5 until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

6 The complaint states cognizable claims for relief against
7 defendants Nuchols, Blythe, Hoven and Eubanks pursuant to 42
8 U.S.C. § 1983 and 28 U.S.C. § 1915A(b).

9 Accordingly, the court hereby orders that:

10 1. Plaintiff's request for leave to proceed in forma
11 pauperis is granted.

12 2. Plaintiff is obligated to pay the statutory filing fee
13 of \$150 for this action.

14 3. Service is appropriate for defendants Nuchols, Blythe,
15 Hoven and Eubanks.

16 4. The Clerk of the Court shall send plaintiff four USM-285
17 forms, one summons, an instruction sheet and one copy of the June
18 21, 2004, pleading.

19 5. Within 30 days from service of this order, plaintiff
20 shall complete the attached Notice of Submission of Documents and
21 submit it to the court with the completed summons and USM-285
22 forms and five copies of the June 21, 2004, pleading.

23 6. Upon receipt of the necessary materials, the court will
24 direct the United States Marshal to serve defendants Nuchols,
25 Blythe, Hoven and Eubanks pursuant to Federal Rule of Civil
26 Procedure 4 without payment of costs.

12 _____ /s/ Peter A. Nowinski
13 PETER A. NOWINSKI
Magistrate Judge

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Notice of Submission of Documents

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Plaintiff hereby submits the following documents in
compliance with the court's order filed _____:

_____ completed summons form

_____ completed forms USM-285

_____ copies of the _____
Complaint

Dated: _____

Plaintiff